

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**CONTINENTAL WESTERN
INSURANCE COMPANY**

PLAINTIFF

V.

NO. 4:20-CV-20-DMB-JMV

**CONCEPT AGRI-TEK, LLC
f/k/a Concept AG, LLC, a Missouri
limited liability company, et al.**

DEFENDANTS

ORDER

On February 19, 2019, Continental Western Insurance Company filed a complaint in the United States District Court for the Western District of Tennessee against Concept Agri-Tek, LLC f/k/a as Concept Ag, LLC; Greg Crigler; David Allen Hall; Thomas Burrell; International Trustee Group, LLC (“ITG”); Tyrone Grayer; Walter Jackson; and Monique Jackson. Doc. #1. Continental seeks a declaratory judgment regarding an insurance policy it issued to Concept Ag—specifically, whether it has a duty to defend or indemnify Concept Ag or Crigler against claims in a separate lawsuit filed by Burrell, Hall, ITG, Grayer, and the Jacksons. *Id.* at 3, 35; *see Burrell v. Concept Ag, LLC*, No. 4:19-cv-124-NBB-JMV.¹ On motion² filed by Continental, Concept Ag, and Crigler, this case was transferred to the Northern District of Mississippi. Doc. #44.

On September 20, 2020, the federal claims in *Burrell* were dismissed. Doc. #95-1. The *Burrell* plaintiffs’ appeal of the decision is now pending before the Fifth Circuit. Doc. #95-3.

On January 8, 2021, Continental filed a motion to stay this case pending the outcome of

¹ *Burrell* was commenced in the Western District of Tennessee but transferred to the Northern District of Mississippi sua sponte. Doc. #135 at 26–28. Upon transfer, *Burrell* was assigned to United States District Judge Neal B. Biggers, Jr.

² Doc. #39.

the appeal in *Burrell*. Doc. #95. The motion represents that the “outcome of the appeal at the Fifth Circuit will impact this matter” because if the *Burrell* decision is affirmed, “the instant cause of action should likewise be dismissed.” *Id.* at 2. The motion further represents that a stay is needed to “prevent the parties from having to engage in duplicative and/or potentially unnecessary discovery and motion practice” and that the request for a stay is unopposed. *Id.* at 2.

“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). Given the representations that the *Burrell* appeal will determine whether this case will continue and that a stay is unopposed, the motion to stay [95] is **GRANTED**. This case is **STAYED** pending the outcome of the appeal in *Burrell*. Counsel for Continental is **DIRECTED** to notify this Court of the outcome of the *Burrell* appeal within seven (7) days of the Fifth Circuit’s decision.

SO ORDERED, this 19th day of January, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE